

The Honorable Tana Lin

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KANG CHAO CHAI, *et al.*,

Plaintiffs,

v.

UR M. JADDOU,

Defendant.

No. 2:22-cv-1119-TL

STIPULATED DISMISSAL AND  
~~PROPOSED~~ ORDER

Noted for Consideration:  
November 23, 2022

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate to dismiss this case, without prejudice, on the following terms:

1. U.S. Citizenship and Immigration Services (“USCIS”) has adjudicated the following Plaintiffs’ Form I-829 petitions:

- a. Ning Zheng (WAC1990327013)
- b. Yanmei Zhu (WAC2090016052)
- c. Dongfang Li (WAC1990030904)

2. USCIS has taken initial action on the following Plaintiffs’ Form I-829 petitions:

a. Kang Chuang Chai<sup>1</sup> (WAC21629900427)

b. Nilesh Shah (WAC1990257734)

3. USCIS shall take initial action on the remaining Forms I-829 on the following schedule:

Principal Plaintiff (WAC#)	Deadline for Initial Adjudicative Action from the Date of the Execution of this Stipulation
Duc Vinh Pham (WAC2290030673)	90 days
Sergio Florentino Da Silva (WAC1990341825)	120 days
Naveen Aggarwal (WAC2090159047)	120 days
Gilberto Fernandes Magalhaes Junior (WAC2190052645)	150 days

4. If review of supporting documentation reveals extenuating circumstances, the agency will make best efforts to meet the above proposed deadlines but may need additional time to review or take next action on the petition as necessary. Extenuating circumstances may include, but are not limited to: acts of god or unforeseen natural disasters; physical incapacity of obtaining the files as necessary; and/or changed circumstances regarding necessary background checks, biometrics appointments, or national security concerns

5. USCIS will, within 30 days of the execution of this Stipulated Dismissal, provide Plaintiffs' counsel with a report (the "Biometrics Report") indicating which, if any, Plaintiffs still

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<sup>1</sup> Referred in the Complaint as Kang Chao Chai.

1 require biometric collection in order to adjudicate his or her Form I-829 filing. If any such  
2 Plaintiff does require biometrics collection as per the Biometrics Report, USCIS will place that  
3 person in the queue to schedule a biometrics appointment within 30 days of transmitting the  
4 Biometrics Report.

5 6. USCIS agrees to adjudicate the subject Forms I-829 in good faith. If USCIS  
6 issues a Request for Evidence (“RFE”) or Notice of Intent to Deny (“NOID”) for any of the  
7 Plaintiff’s petitions or biometrics, USCIS will take the next adjudicative action within 60 days  
8 from receipt of Plaintiffs’ response(s). This 60-day timeframe will apply to the response to any  
9 subsequent RFE or NOID issued in each Plaintiff’s case. Plaintiffs’ counsel will share the  
10 tracking and confirmation information of any correspondence that is mailed to the agency to  
11 encourage timely receipt and review.

12 7. If a Plaintiff believes USCIS has breached this agreement in any way, he or she  
13 will notify undersigned counsel and provide USCIS with at least 14 days to remedy any such  
14 breach. If USCIS fails to remedy said breach within 14 days (the “Cure Period”), an affected  
15 Plaintiff may file a Motion to Reopen this matter and petition this Court for the attorneys’ fees  
16 and costs associated with enforcing this Stipulated Dismissal, notwithstanding whether any such  
17 alleged cure occurring after the Cure Period has elapsed. Defendant agrees to be subject to  
18 jurisdiction and venue regarding any such filing sought to enforce the terms and conditions of  
19 this Stipulated Dismissal, filed in this Court / within the Western District of Washington.

20 8. Except as otherwise provided in the preceding paragraph, the parties agree to bear  
21 their own costs and attorneys’ fees.

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1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

2 Dated: November 23, 2022

3 Respectfully submitted,

4 NICHOLAS W. BROWN  
5 United States Attorney

6 /s/Michelle R. Lambert

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*Counsel Pro Hac Vice*

*Counsel for Plaintiffs*

**~~PROPOSED~~ ORDER**

The parties having so stipulated, the above is SO ORDERED. The case is DISMISSED without prejudice.

DATED this 23rd day of November 2022.

  

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Tana Lin  
United States District Judge